

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201407249	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 07/12/2014 8:15 PM	Location of Incident: Eastern Parkway between Albany Avenue and Kingston Avenue and the 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 1/12/2016	EO SOL 1/12/2016	
Date/Time CV Reported Sat, 07/12/2014 8:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 07/18/2014 3:10 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alex Viera	14168	945080	077 PCT
2. POM Walton Matos	28991	937045	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Yoan Delacruz	21906	950296	077 PCT
2. POM Melvin Cordero	26046	950232	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Alex Viera	Force: At Eastern Parkway between Albany Avenue and Kingston Avenue, PO Alex Viera struck § 87(2)(b) with a vehicle.	
B.POM Walton Matos	Abuse: At the 77th Precinct stationhouse, PO Walton Matos did not obtain medical treatment for § 87(2)(b)	

Case Summary

On July 12, 2014 at approximately 8:15 p.m., § 87(2)(b) was riding his bicycle against traffic on Troy Avenue in Brooklyn. At the intersection with Eastern Parkway, Officers Alex Viera, Yoan Delacruz, and Melvin Cordero observed him from a marked car and commanded him to stop. § 87(2)(b) did not want to stop, and turned onto Eastern Parkway and continued riding. The police car followed, with PO Viera driving. At the intersection of Eastern Parkway and Kingston Avenue, PO Viera allegedly drove into § 87(2)(b) bicycle from behind, causing § 87(2)(b) to crash (**Allegation A**). Witness § 87(2)(b) called 911 after seeing this (encl. 4B). § 87(2)(b) stated that he was on the ground for about 20 minutes, and was unconscious for part of that time. The officers handcuffed § 87(2)(b) and put him in their car. § 87(2)(b) asked why he was being arrested, and PO Viera showed him some marijuana that he claimed to have found on the ground next to § 87(2)(b). § 87(2)(b) was taken to the 77th Precinct stationhouse and lodged in a holding cell. He was in pain from the bicycle crash. He asked the cell attendant, PO Walton Matos, for medical attention, but PO Matos said “You ain’t going nowhere” (**Allegation B**). After § 87(2)(b) was released, he went to § 87(2)(b) on § 87(2)(b), where he was treated for an abrasion to his left knee and a wound on his lower lip (medical records folder). An X-ray at § 87(2)(b) found no fracture, but § 87(2)(b) stated during the interview that his leg was fractured and he now has to walk with a cane.

Mediation, Civil and Criminal Histories

This case was ineligible for mediation due to § 87(2)(b) injury. § 87(2)(b) has not filed a notice of claim regarding this incident as of November 14, 2014, roughly one month after the 90-day filing deadline (encl. 33K). For this incident, § 87(2)(b) pled guilty to disorderly conduct and was sentenced to time served (encl. 30A). § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- PO Viera has been a member of the NYPD for seven years. There are seven prior CCRB complaints against him, containing 13 allegations. None have been substantiated (encl. 1B).
- PO Matos has been a member of the NYPD for ten years. This is the first CCRB complaint against him (encl. 1A).
- § 87(2)(g)

Findings and Recommendations

Allegations Not Pleaded

- **Stop:** § 87(2)(g) [REDACTED]
- **Property Damaged:** § 87(2)(b) [REDACTED] stated that his bicycle was damaged during this incident. § 87(2)(g) [REDACTED]
- **Offensive Language:** In his phone statement, § 87(2)(b) [REDACTED] said PO Viera said “We got the nigger” after placing him in the police car (encl. 7A). However, he did not repeat this allegation during his sworn statement, despite being asked to repeat any statements made by PO Viera.
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A - At Eastern Parkway between Albany Avenue and Kingston Avenue, PO Alex Viera struck § 87(2)(b) [REDACTED] with a vehicle.

It is undisputed that § 87(2)(b) [REDACTED] bicycle crashed during this incident, but the civilians and officers gave different explanations as to why this occurred. § 87(2)(b) [REDACTED] stated that he was struck from behind by the police car, which was traveling at about 30 miles per hour (encl. 8D-E). Witness § 87(2)(b) [REDACTED] also stated that the officers struck § 87(2)(b) [REDACTED] with the left-front side of their police car (encl. 6A).

The officers all stated that when they first observed § 87(2)(b) [REDACTED] at the corner of Eastern Parkway and Troy Avenue, PO Cordero got out of the car and told § 87(2)(b) [REDACTED] to stop. § 87(2)(b) [REDACTED] ignored this command and turned onto Eastern Parkway. PO Viera and PO Delacruz followed in the car, and PO Cordero remained at the corner.

PO Viera said he drove next to § 87(2)(b) [REDACTED] at the same speed he was riding and spoke to him through the driver’s side window, telling him to stop (encl. 11F). § 87(2)(b) [REDACTED] said his brakes did not work. PO Viera told him to stop pedaling. § 87(2)(b) [REDACTED] then attempted to stop his bicycle by placing his foot on top of his front tire. This caused him to fall; the police car never struck § 87(2)(b) [REDACTED] or his bicycle. PO Viera was interviewed in an investigation by Patrol Borough Brooklyn North and similarly denied striking § 87(2)(b) [REDACTED] with his car (encl. 27A-R). That investigation unsubstantiated this allegation.

PO Delacruz was in the front passenger seat (encl. 19C). He heard PO Viera tell § 87(2)(b) [REDACTED] to stop, and § 87(2)(b) [REDACTED] said his brakes did not work. PO Delacruz did not see § 87(2)(b) [REDACTED] fall and did not know what caused it. However, he said that the car did not hit § 87(2)(b) [REDACTED] or his bicycle, because he would have heard the collision. PO Cordero remained at the corner of Eastern Parkway and Troy Avenue, and said he could not see § 87(2)(b) [REDACTED] fall from where he stood (encl. 17C).

§ 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation B - At the 77th Precinct stationhouse, PO Walton Matos did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) [REDACTED] alleged that when he asked to go to the hospital, the cell attendant, who he described as a five-foot-tall Puerto Rican man in uniform, said “You ain’t going nowhere,” and that no one was available to take him to a hospital. PO Matos was listed on the holding pen roster as being the cell attendant when § 87(2)(b) [REDACTED] was brought to the stationhouse (encl. 25A). In his interview, PO Matos recognized a photo of § 87(2)(b) [REDACTED] and said that he remembered an officer saying something about a bicycle accident (encl. 21C). PO Matos denied seeing any injuries on § 87(2)(b) [REDACTED] and denied refusing him medical treatment.

§ 87(2)(g) [REDACTED]

Pod: 7

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date